

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARVIN SMITH SHAHEEN,

Plaintiff,

v.

ORDER
04-CV-546A

JOHN BEAVER, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 26, 2005, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion to dismiss the complaint be granted and their alternative motion to compel production be deemed moot.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion to dismiss the complaint is granted and defendant's alternative motion to compel production is deemed moot. The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 17 , 2005